

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil No. |
| |) | |
| WEYERHAEUSER COMPANY, |) | |
| |) | |
| Defendant. |) | |

COMPLAINT

The United States, by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), alleges as follows:

NATURE OF THE ACTION

1. This is a civil action brought against Defendant, Weyerhaeuser Company ("Weyerhaeuser"), pursuant to Section 113(b) of the Clean Air Act ("the Act"), 42 U.S.C. § 7413(b), for violations of the Act, 42 U.S.C. §§ 7401-7619q, and federal and State of Pennsylvania regulations implementing the Act at Defendant's kraft pulp and paper mill located at 100 Center Street in Johnsonburg, Elk County, Pennsylvania (the "Johnsonburg Mill"). Specifically, the United States alleges that Weyerhaeuser's predecessor Willamette Industries, Inc. ("Willamette"), increased the amount of sulfur dioxide being

emitted from the Johnsonburg Mill by modifying and thereafter operating two power boilers (designated PB 81 and PB82) at the Johnsonburg Mill (i) without obtaining a PSD permit, (ii) failing to install controls required to reduce the amount of pollution released to the atmosphere, and (iii) continuing to operate the Johnsonburg Mill without an operating permit containing terms limiting sulfur dioxide ("SO₂") emissions from PB 81 and PB 82 based on application of the legally required best available control technology. The United States seeks an injunction ordering Defendant, as the liable successor by merger with Willamette, to comply with the above statutes and laws, and regulations promulgated thereunder, and an award of civil penalties for past and ongoing violations at the Johnsonburg Mill.

JURISDICTION AND VENUE

2. This Court has jurisdiction of the subject matter of this action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and pursuant to 28 U.S.C. §§ 1331, 1345, and 1355.

3. Venue is proper in this District pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. § 1391 (b) and (c), because Defendant resides in this District, because most of the violations alleged occurred within this District and because a substantial part of the events and omissions giving rise to the claims stated herein occurred in this District.

NOTICES

4. On April 19, 1999, EPA issued a Notice of Violation ("NOV") to Willamette Industries, Inc., which company has since merged with Weyerhaeuser, alleging violations of the Act and the Pennsylvania State Implementation Plan ("SIP"). Pursuant to 42 U.S.C. §§ 7413(a)(1) and (b)(1), EPA provided a copy of the Notice of Violation to the Commonwealth of Pennsylvania.

5. The NOV alleged continuing violations of the Act for, among other things, failure of the Johnsonburg Mill: (i) to obtain a proper permit to construct and operate a major modification at PB 81 and PB 82 for sulfur dioxide; (ii) to review and apply best available control technology ("BACT") for sulfur dioxide emissions from PB81 and 82; and (iii) to obtain an appropriate operating permit for the modifications to PB 81 and 82.

6. The 30-day period established in 42 U.S.C. § 7413, between issuance of the Notice of Violation and commencement of a civil action, has elapsed.

7. The United States has given notice of the commencement of this action to the Commonwealth of Pennsylvania Department of Environmental Protection ("PADEP") as required by 42 U.S.C. § 7413(b).

THE DEFENDANT

8. Weyerhaeuser is incorporated under the laws of the State of Washington.

9. Weyerhaeuser acquired all outstanding shares of Willamette stock on March 14, 2002. A merger with Willamette was accomplished on June 30, 2002. At the time of the

merger, Willamette owned and operated the Johnsonburg Mill.

10. In or about May 1990 Willamette acquired all of the stock of Penntech Papers, Inc. ("PPI"), which prior to that date, owned and operated the Johnsonburg Mill.

11. Weyerhaeuser, through its merger with Willamette, is the successor in interest to both Willamette and PPI (hereinafter referred to as "Defendant's predecessors") for any and all liabilities alleged in this Complaint that flow from events that predate Weyerhaeuser's acquiring ownership of the Johnsonburg Mill through its merger with Willamette.

12. Weyerhaeuser is a "person" within the meaning of 42 U.S.C. § 7602(e).

STATUTORY BACKGROUND

13. The Clean Air Act established a regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

14. Section 109 of the Act, 42 U.S.C. § 7409, requires the Administrator of EPA to promulgate regulations establishing primary and secondary national ambient air quality standards ("NAAQS" or "ambient air quality standards") for certain criteria air pollutants. The primary NAAQS are to be adequate to protect the public health, and the secondary NAAQS are to be adequate to protect the public welfare, from any known or anticipated adverse effects associated with the presence of the air pollutant in the ambient air.

15. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a State Implementation Plan ("SIP") that provides for the attainment and maintenance of the NAAQS.

16. Under Section 107(d) of the Act, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality is better or worse than the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. These designations have been approved by EPA and are located at 40 C.F.R. Part 81. An area that meets the NAAQS for a particular pollutant is classified as an "attainment" area; one that does not is classified as a "non-attainment" area.

17. Weyerhaeuser's Johnsonburg Mill is located within in an attainment area for sulfur dioxide (40 C.F.R. § 81.339). As relevant in this action, the following Clean Air Act requirements apply to the Johnsonburg Mill with respect to these pollutants.

18. Pennsylvania officially submitted its SIP to EPA on January 27, 1972. 40 C.F.R. § 52.2020(b). Since January 27, 1972 the SIP has been revised and amended on numerous occasions, including Sections 121 and 127 of the Pennsylvania Code of Regulations. 40 C.F.R. § 52.2020(c)(1) (submitted on 3/17/72).

19. Pursuant to Section 113(a) of the Act once a SIP has been approved by EPA its requirements are enforceable by the EPA Administrator. 42 U.S.C. § 7413(a) and (b). Federal PSD permitting requirements have been incorporated by reference and made a part of the Pennsylvania SIP by EPA. 40 C.F.R. § 52.2058 (effective 6/18/83).

Prevention of Significant Deterioration

20. Part C of Title I of the Act, 42 U.S.C. §§ 7470-7492, sets forth requirements for the prevention of significant deterioration ("PSD") of air quality in those areas designated as attaining the NAAQS standards. These requirements are designed to protect public health and welfare, to assure that economic growth will occur in a manner consistent with the preservation of existing clean air resources and to assure that any decision to permit increased air pollution is made only after careful evaluation of all the consequences of such a decision and after public participation in the decision-making process. These provisions are referred to herein as the "PSD program."

21. The Act requires each State to include in its SIP emission limitations and such other measures as may be necessary to implement the PSD program and to prevent significant deterioration of air quality in attainment and unclassifiable areas.

42 U.S.C. § 7471.

22. Pennsylvania has met this requirement by incorporating by reference the federal PSD requirements promulgated by EPA pursuant to Section 161 of the Clean Air Act, 42 U.S.C. § 7471, codified at 40 C.F.R. Part 52 into its regulations. 25 Pa. Code §§ 127.81 - 83. EPA approved 25 Pa. Code §§ 127.81 - 83 as revisions to the SIP on August 21, 1984. 40 C.F.R. § 52.2058; 49 Fed. Reg. 33127.

23. The Federal PSD regulations prohibit the construction and subsequent

operation of a major modification of a major stationary source of air pollution in an area designated as attainment or unclassifiable unless a PSD permit has been issued. 40

C.F.R. § 52.21(f).

24. A "major stationary source" includes a kraft pulp mill which emits or has the potential to emit 100 tons per year or more of any pollutant subject to regulation under the Act. 40 C.F.R. § 52.21(b)(1)(i)(a).

25. A "major modification" is any physical change in, or change in the method of operation of, a major stationary source that would result in "net emission increases" of specified pollutants in excess of significance thresholds established in the regulations. 40 C.F.R. § 52.21(b)(2)(i). The significance threshold for SO₂ is 40 tons per year.

26. For purposes of determining whether the significance thresholds have been exceeded, the regulations specify that "net emission increases" are to be determined by summing (i) the emission increases from a particular physical change or change in method of operation and (ii) any other increases or decreases that are contemporaneous with the particular change and are otherwise creditable. 40 C.F.R. § 52.21(b)(3)(i).

27. A PSD permit for a major stationary source or a major modification must reflect and require compliance with a series of requirements set out in the PSD regulations. Principal among those requirements are the following:

- (a) A person seeking a PSD permit to allow construction and operation of a major stationary source or a major modification of such a source in an attainment or

unclassifiable area must demonstrate, before construction commences, that construction and operation of the facility will not cause or contribute to air pollution (i) in violation of any ambient air quality standard or (ii) in excess of any maximum allowable increase over baseline concentration in the area. 40 C.F.R. § 52.21(k).

(b) A new major stationary source or a major modification in an attainment area shall install and operate BACT for each pollutant subject to regulation under the Act that it would have the potential to emit in increased quantities exceeding the thresholds set forth above. 40 C.F.R. § 52.21(j). On December 31, 2002, EPA published an amendment to this provision. Section 52.21(j) now requires “best available control technology for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source.”

28. To obtain a permit to construct (also called a “plan approval”) from PADEP the owner or operator of a proposed source located in Pennsylvania that is subject to PSD requirements must make the showings required in the federal PSD regulations as incorporated into the Pennsylvania SIP.

29. In Pennsylvania, the failure of a major stationary source to obtain an operating permit that according to PADEP incorporates terms that fulfill the PSD requirements, including the installation of BACT, is a continuing violation of the Pennsylvania SIP that is enforceable by EPA in federal court.

New Source Performance Standards

30. Section 111(b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A), requires the Administrator of EPA to publish a list of categories of stationary sources that emit or may emit any air pollutant. The list must include any categories of sources which are determined to cause or significantly contribute to air pollution which may endanger public health or welfare.

31. Section 111(b)(1)(B) of the Act, 42 U.S.C. § 7411(b)(1)(B), requires the Administrator of EPA to promulgate regulations establishing federal standards of performance for new sources of air pollutants within each of these categories. "New sources" are defined as stationary sources, the construction or modification of which is commenced after the publication of the regulations or proposed regulations prescribing a standard of performance applicable to such source. 42 U.S.C. § 7411(a)(2). These standards are known as New Source Performance Standards ("NSPS")

32. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits an owner or operator of a new source from operating that source in violation of a NSPS after the date of the applicable NSPS becomes effective for that source.

33. Pursuant to Sections 111 and 114 of the Act, 42 U.S.C. §§ 7411, 7414, EPA promulgated 40 C.F.R. Part 60, Subpart A, §§ 60.1 - 60.18, which contains general provisions regarding NSPS.

34. 40 C.F.R. § 60.1 states that the provisions of 40 C.F.R. Part 60 apply to the

owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the publication in Part 60 of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

35. 40 C.F.R. § 60.2 defines “affected facility” as any apparatus to which a standard is applicable.

36. Pursuant to Section 111(b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A), at 40 C.F.R. §§ 60.40-46 (Subpart D), EPA has identified fossil-fuel-fired steam generating units constructed after August 17, 1971 as one category of stationary sources that cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare.

37. The “affected facilities” to which Subpart D applies are each “fossil-fuel-fired steam generating unit” with a heat input rate of more than 73 megawatts (250 million Btu) constructed or modified after August 17, 1971. 40 C.F.R. § 60.40.

38. Under Subpart D, “fossil-fuel-fired steam generating unit” means any furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer. 40 C.F.R. § 60.41(a).

39. Under Subpart D, “fossil fuel” means, among other things, natural gas, petroleum, and coal. 40 C.F.R. § 60.41(b).

40. Under the general NSPS provisions, “commenced” means, the undertaking of a continuous program of construction or modification or entering into a contractual obligation to undertake and complete a continuous program of construction or modification within a reasonable time. 40 C.F.R. § 60.2.

41. Under the general NSPS provisions “construction” means fabrication, erection or installation or an affected facility. 40 C.F.R. § 60.2.

42. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits the operation of any new source in violation of an NSPS applicable to such source. Thus, a violation of an NSPS is a violation of Section 111(e) of the Act. Pursuant to 40 C.F.R. § 60.7(a)(4), any owner or operator of an affected facility subject to NSPS must furnish written notification to EPA of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies postmarked 60 days or as soon as practicable before the change is commenced with information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.

43. Pursuant to 40 C.F.R. § 60.8, the owner or operator of an affected facility that is a fossil-fuel-fired steam generating unit must conduct a performance test in accordance with 40 C.F.R. § 60.46 within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup

of such facility and furnish EPA a written report of the results of such performance test.

44. Pursuant to 40 C.F.R. §§ 60.42, 60.43, and 60.44, the owner or operator of a fossil-fuel-fired steam generating unit subject to Subpart D, may not discharge into the atmosphere from the affected facility any gases which contain particulate matter, sulfur dioxide, or nitrogen oxides, respectively, in excess of the applicable limitations.

Enforcement Provisions

45. Section 113(b) of the Act, 42 U.S.C. § 7413(b)(1), authorizes the Administrator to initiate a judicial enforcement action against any person whenever such person has violated, or is in violation of, any requirement or prohibition of an applicable implementation plan or permit. Such an action must be preceded by a notice of violation ("NOV"), under subsection 113(a)(1) of the Act, 42 U.S.C. § 7413(b)(1)(B), that such person has violated, or is in violation of, such requirement or prohibition of an applicable implementation plan or permit.

46. The provisions of 40 C.F.R. § 52.23 provide that failure to comply with any provisions of 40 C.F.R. § 52.21, or with any approved provision of a SIP, subjects the person failing to comply to enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

47. Section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), authorizes the Administrator to initiate a judicial enforcement action against any person whenever such person has violated, or is in violation of, any other requirement or prohibition of any rule,

order, waiver or permit promulgated, issued, or approved under the Act.

48. Section 113(b) of the Act, 42 U.S.C. § 7413(b), authorizes both injunctive relief and civil penalties of up to \$25,000 per day for each violation prior to January 30, 1997. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701, Section 113(b) of the Act, 42 U.S.C. § 7413(b), authorizes civil penalties of up to \$27,500 per day for each violation from January 30, 1997 through March 14, 2004; and up to \$32,500 for each violation from March 15, 2004.

GENERAL ALLEGATIONS

49. The Johnsonburg Mill processes wood into pulp and further processes pulp to make various grades of paper. The mill includes a wood yard, bleach plant, a three body/three effect concentrator chemical recovery system, and a boiler house that contains boilers PB 81 and 82, auxiliary boilers 6 and 7, and a recovery boiler.

50. The Johnsonburg Mill is, and has been at all times relevant to this action, a major emitting facility and a major stationary source of air pollution within the meaning of the Act and its implementing regulations.

51. Humans exposed to SO₂ can die from asphyxiation (acute overexposure) and can suffer from nasopharyngitis, fatigue, altered sense of smell and chronic bronchitis. Sulfur dioxide causes acidification of lakes and soil, can cause damage to building materials, cloth, and metals, and forms very small airborne particles which reduce

visibility and are harmful to humans when inhaled.

52. Weyerhaeuser operates no control equipment at the Johnsonburg Mill designed to control or limit emissions of SO₂ from PB 81 and PB 82 to the ambient air.

53. In or about 1989 PPI began the process of modifying the Johnsonburg Mill to increase pulp production, including modifications to PB 81 and 82.

54. A plan approval application ("Application") submitted for the Johnsonburg Mill to PADEP and dated October 1, 1990 described plans to convert PB 81 and 82, from use in the production of low pressure steam (at about 175 pounds per square inch ("psi")) to the production of high pressure steam (at about 1250 psi). According to this Application the conversion of PB 81 and PB 82 would require, among other things, the installation of "superheaters" on the boilers.

55. On September 10, 1991, Willamette submitted to PADEP an amended plan approval application ("Amended Application"). The Amended Application for Plan Approval stated that for PSD purposes the project described therein, which included the modifications to PB 81 and 82, would be a major modification for nitrogen oxides and carbon monoxide but would not be a major modification for any other pollutants regulated under the PSD program, including SO₂.

56. On a date not known to Plaintiff, Willamette commenced construction of the superheater modifications to PB 81 and PA82 necessary to allow the manufacture of high pressure steam. In or about February 1993, Willamette commenced operation of PB 81

and PB 82 with the installed superheaters, to produce high pressure steam.

57. The construction activities described in paragraphs 54 through 57 caused a significant net emissions increase for SO₂.

**FIRST CLAIM FOR RELIEF
(Failure to Obtain Proper PSD Permit)**

58. Paragraphs 1 through 57 are hereby incorporated by reference.

59. The Johnsonburg Mill is, and was at all times relevant to this complaint, a "major emitting facility," within the meaning of 42 U.S.C. § 7479(1), and a "major stationary source," within the meaning of 40 C.F.R. § 52.21(b)(1)(I)(b).

60. EPA has conducted an investigation of the Johnsonburg Mill, which included site inspections, review of permitting history and emissions data, and analysis of other relevant information concerning the modification and subsequent operation of the modified and expanded Johnsonburg Mill. The United States alleges the following based on the results of EPA's investigation, information and belief:

61. The elements of the modifications described in Paragraphs 50 through 57 above were a physical change to, or change in the method of operation of, the Johnsonburg Mill.

63. During the time period relevant to this Complaint, the Defendant's predecessors modified the PB 81 and PB 82 causing a significant increase in emissions of SO₂, which is defined as a "major modification" within the meaning of 40 C.F.R. § 52.21(b)(2).

63. Defendant's predecessors did not obtain a permit to construct modifications to PB 81 and PB 82 that met the requirements of the PSD regulations, including the requirements that incorporate BACT for SO₂ at these boilers.

64. Since at least the date of the commencement of construction of the superheater modifications to PB 81 and PA82, and before the date in February 1993 when modified PB 81 and 82 began operation for the generation of high pressure steam, Defendant has been in violation of Section 165(a) of the Act, 42 U.S.C. § 7475(a) and 40 C.F.R. § 52.21, as incorporated into the Pennsylvania SIP, by constructing and thereafter operating a major modification to a major stationary source without having obtained a permit that met the requirements of the PSD regulations, including the requirements that incorporate BACT for SO₂ at these boilers, as required by 40 C.F.R. § 52.21(I).

65. As provided in 42 U.S.C. § 7413(b), the violations of Weyerhaeuser and its predecessors, as set forth above, subject the Defendant to injunctive relief and civil penalties of up to \$25,000 per day for each violation of the Act prior to January 30, 1997, \$27,500 per day for each violation from January 30, 1997 to March 14, 2004, and \$32,500 for each violation after March 14, 2004, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701. See 69 Fed. Reg. 7126.

SECOND CLAIM FOR RELIEF
(Failure to Obtain Proper Operating Permit)

66. Paragraphs 1 through 57 are hereby incorporated by reference.

67. Defendant's predecessors did not obtain a permit to operate PB 81 and PB 82 that incorporates SO₂ emissions limits based on the continued operation of BACT on these boilers, as required by and 25 Pa. Code §§ 127.441, which requires, among other things, that a permit shall incorporate by reference the emissions and performance standards and other requirements of the Act and regulations promulgated thereunder.

68. BACT is an emissions or performance standard or other requirement of the Act and regulations promulgated thereunder, which should have been, but which was not, incorporated into an operating permit for PB 81 and PB 82.

69. To date Weyerhaeuser has failed to correct the violations alleged in this count.

70. As provided in 42 U.S.C. § 7413(b), the violations of Weyerhaeuser and its predecessors, as set forth above, subject the Defendant to injunctive relief and civil penalties of up to \$25,000 per day for each violation of the Act prior to January 30, 1997, \$27,500 per day for each violation from January 30, 1997 to March 14, 2004, and \$32,500 for each violation after March 14, 2004, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701. See 69 Fed. Reg. 7126.

**THIRD CLAIM FOR RELIEF
(Failure to Comply with NSPS)**

71. Paragraphs 1 through 57 are hereby incorporated by reference.

72. Defendant is the owner or operator, within the meaning of Section 111(a)(5) of the Act, 42 U.S.C. § 741 1(a)(5), and 40 C.F.R. § 60.2, of PB 81 and 82 located at the Johnsonburg Mill.

73. PB81 and 82 each are a fossil-fuel-fired steam generating unit constructed after August 17, 1971, within the meaning of 40 C.F.R. §§ 60.40 and 60.41.

74. PB 81 and 82 are each "affected facilities" under Subparts A and D of NSPS and are subject to the NSPS, including provisions-of Subpart A and D of the NSPS.

75. Construction of PB 81 and PB 82 commenced on or after August 17, 1971.

76. With regard to the commencement of construction of PB 81 and PB 82, Defendant's predecessors failed to furnish written notification to EPA in accordance with the requirements of 40 C.F.R. § 60.7(a).

77. Defendant's predecessors did not conduct performance tests of modified PB 81 and 82 in accordance with the procedures required by 40 C.F.R. § 60.46.

78. Defendant failed to comply and continues to fail to comply with the NSPS Subpart D emissions requirements applicable to PB 81 and PB 82 for at least sulfur dioxide, in violation of 40 C.F.R. § 60.43.

79. Each day that Defendant fails to comply with each of the NSPS requirements described in this Complaint, constitutes a violation of the federal NSPS regulations, and the Act.

80. As provided in 42 U.S.C. § 7413(b), the violations of Weyerhaeuser and its

predecessors, as set forth above, subject the Defendant to injunctive relief and civil penalties of up to \$25,000 per day for each violation of the Act prior to January 30, 1997, \$27,500 per day for each violation from January 30, 1997 to March 14, 2004, and \$32,500 for each violation after March 14, 2004, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701. See 69 Fed. Reg. 7126.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States, respectfully requests that this Court:

1. Order the Defendant to immediately comply with the statutory and regulatory requirements cited in this Complaint under the Clean Air;
2. Order the Defendant to take appropriate measures to mitigate the effects of its violations;
3. Assess civil penalties against the Defendant for up to the amounts provided in the applicable statutes; and

4. Grant the United States such other relief as this Court deems just and proper.

Respectfully submitted,

Date: 6.15.04

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

Date: _____

ELLIOT M. ROCKLER
Trial Attorney
Environmental Enforcement Section
Environmental and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 514-2653

HARRY LITMAN
United States Attorney
Western District of Pennsylvania

Date: _____

By: _____

Assistant United States Attorney
Western District of Pennsylvania
633 U.S. Post Office & Courthouse
Pittsburgh, PA 15219
(412) 644-3500

OF COUNSEL:
NEIL R. BIGIONI
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103